

NOTICE OF MEETING
OF THE
ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

AGENDA

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Arizona Prosecuting Attorneys' Advisory Council and to the general public that the Arizona Prosecuting Attorneys' Advisory Council will hold a meeting open to the public on Friday, May 17, 2013, at 10:00 a.m. at the APAAC Office. The toll-free dial-in number to appear telephonically is **1-877-820-7831** and the participant Passcode is **487550**. You may also attend the meeting via SCOPIA videoconferencing.

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Prosecuting Attorneys' Advisory Council endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need an accommodation for a meeting, please contact Elizabeth Iniguez-Reyna at (602) 542-7222 at least 24 hours prior to the meeting so that an accommodation can be arranged.

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| I. Call to Order (Two Minutes) | SHEILA POLK |
| II. Roll Call (Two Minutes) | SHEILA POLK |
| III. Consent Agenda (Two Minutes) | SHEILA POLK |
| A. Minutes from the April 11, 2013, Council meeting
(Attachment) | Possible Action
P – F – T |
| IV. Chair's Report (Five Minutes) | SHEILA POLK |
| A. New synthetic drug N-Bomb | Information Only |
| B. H2327 (Chapter 28) – Dangerous drugs; definition | |
| V. Executive Director's Report (Fifteen Minutes) | ELIZABETH ORTIZ |
| A. Child Abuse Working Group Meeting Update | Information Only |
| B. Victim Rights Award Luncheon Update | |
| C. Summer Conference Awards | |
| D. State Bar CLE Committee | |
| E. Council office visits since last Council meeting | |
| 1. La Paz County (4/22/13) | |

F. Status update on cases in which APAAC filed *amicus* briefs:

1. *State v. Cooperman*:

- a. **Issue:** Whether the Court of Appeals erred in holding that under A.R.S. §28-1381(G) the presumption of intoxication must be given “whenever the state introduces evidence that a defendant had an alcohol concentration of 0.08 or more.”
- b. **Status:** Set for oral argument on May 21, 2013, before the Arizona Supreme Court. A mock oral argument was held at the APAAC office at 10:00 a.m. on May 15, 2013.

2. *State v. Okun*

- a. **Issue:** Whether the trial court erred in finding that the Sheriff is not subject to prosecution under the federal Controlled Substances Act, and ordering the Sheriff to return marijuana seized from a qualifying Arizona Medical Marijuana Act patient.
- b. **Status:** Pending review before the Arizona Supreme Court.

VI. Staff Attorney’s Report (Five Minutes)

KIM MacEACHERN
Information Only

- A. Public Education Working Group Update**
- B. Medical Marijuana Working Group Update**
- C. Problem Solving Court Conference**
- D. Prisoners in Arizona Report**

VII. Finance Committee Report (Thirty Minutes)

DEREK RAPIER
Possible Action
P – F – T

- A. Financial Report regarding deposits and/or expenses to APAAC’s accounts for March 2013 & April 2013 (Attachment)**

- B. Financial Statement regarding State Treasurer's account for APAAC's revenue and draws for March 2013 & April 2013 (Attachment)**
- C. Proposed APAAC budget for FY 2013-2014 (Attachment)**

VIII. Rules Committee Report (Twenty Minutes)

LILLIANA ORTEGA

Possible Action

P – F - T

- A. R-12-007 Petition to Repeal Rule 6(E)(4)(e)(2) (Attachment)**
- B. R-13-0014 Petition to Amend Rule 17.4, Ariz. R. Crim. P. (Attachment)**
- C. R-12-0036 Petition to Amend Rule 7.6, Ariz. R. Crim. P. (Attachment)**
- D. R-13-0010 Petition to Amend Rule 32.4, Ariz. R. Crim. P. (Attachment)**
- E. R-13-0015 Petition to Amend Rule 12.9, Ariz. R. Crim. P. (Attachment)**
- F. R-13-0009 Petition to Amend Rule 32.5, Ariz. R. Crim. P. (Attachment)**
- G. R-13-0004 Petition to Amend Rule 15.8, Ariz. R. Crim. P. (Attachment)**
- H. R-12-0034 Petition to Amend Arizona Rule of Evidence 803(10) Attachment)**
- I. R-13-0012 Petition to Amend Rule 122, Rules of the Supreme Court**
- J. R-13-0013 Petition to Adopt Rule 122.2, Rules of the Supreme Court**

IX. Training Committee Report (Five Minutes)

TOBIN SIDLES

Information Only

- A. Recent and Upcoming APAAC Seminars (Attachment)**

X. Legislative Policy Committee Report (Five Minutes)

BRAD CARLYON

Possible Action

P – F – T

- A. General Update on Legislative Activity**

<http://www.azcapitolreports.com/webreport.cfm?webreport=25154&listid=48766&print=true>

XI. Call to the Public

SHEILA POLK

Information Only

XII. Next Council Meeting

SHEILA POLK
Information Only

A. Wednesday, June 19, 2013, at 10:00 a.m. at the APAAC Office

XIII. Adjournment

SHEILA POLK
Possible Action
P – F – T